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Correspondence Management System

Control Number: AX-12-001-3441

Printing Date: August 14, 2012 01:31:33



Citizen Information

Citizen/Originator: Wassillie, Raymond

Organization: Newhalen Tribal Council
Address: PO Box 207, Newhalen, AK 99606

Nielsen, Mary Jane

Organization: Alaska Peninsula Corporation
Address: 2221 East Northern Lights Boulevard, Anchorage, AK 99508

Nielsen, Donald F.

Organization: Native Village of South Naknek
Address: PO Box 70151, South Naknek, AK 99670

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-3441 **Alternate Number:** 70110110000153846990
Status: Pending **Closed Date:** N/A
Due Date: Aug 28, 2012 **# of Extensions:** 0
Letter Date: Jul 30, 2012 **Received Date:** Aug 13, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: Daily Reading File - Bristol Bay Watershed Assessment
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Eliska Postell	OEX	R10	Aug 14, 2012	Aug 28, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

The Honorable Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

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2012 AUG 13 PM 2: 34

OFFICE OF THE
EXECUTIVE SECRETARIAT

July 30, 2012

Dear Administrator Jackson:

We write on behalf of the Alaska Native Village of Newhalen and the Native Village of South Naknek, two federally-recognized tribes, and the Alaska Peninsula Corporation (APC), a merged village corporation (within the meaning of the Alaska Native Claims Settlement) whose villages include both South Naknek and Newhalen, concerning the EPA's Draft Bristol Bay Watershed assessment, "An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska" ("Assessment").

We have previously written to you about expanding the 60-day public comment period for the Assessment. We write now with two requests: (1) we formally request that EPA reopen the comment period for 120 days to give us adequate time to provide thoughtful comments about the Assessment; (2) we formally request immediate and meaningful tribal consultation concerning EPA's actions on the Assessment. Accordingly, please consider this letter an official request on behalf of our tribal communities to consult with you concerning the Assessment.

Among various guiding mandates and principles relating to EPA's obligations concerning tribal consultation as provided in the Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments, the 1984 EPA Indian Policy, the 2011 EPA Policy on Consultation and Coordination with Indian Tribes, and other documents, we note important guidance providing,

EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. Consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes.

2011 Policy on Consultation and Coordination with Indian Tribes at 1 (emphasis added).

EPA actions concerning the Assessment and potential plans for mining in the Bristol Bay watershed area will undoubtedly affect tribal interests in Alaska. Along with questions surrounding potential environmental impacts arising out of mining on the Bristol Bay watershed,

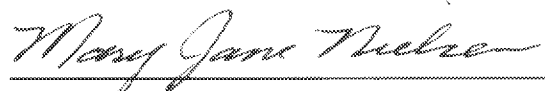
there are many considerations to address relating to economic development, infrastructure development and population growth should mining activity proceed in the area.

Importantly, the area of the Assessment's focus in southwest Alaska is currently experiencing rampant out-migration of Alaska Natives who cannot find jobs or afford to continue to live in their traditional communities. Schools are closing and villages are downsizing. These impacts seriously endanger the strength of these Native communities and Alaska Native culture. Conversely, the creation of a new source of wealth through mining activity in the subject area would have the benefit of creating new jobs, strengthening local institutions and communities and thereby helping preserve Alaska Native culture and traditions. Importantly, this potential development also provides tremendous opportunity to allow APC—a significant land owner in the region—to develop its own land assets, which in turn would have great benefit for its villages and shareholders.


Clearly, EPA's work on the Assessment will be critical to the future of our communities, particularly if EPA issues a preemptive 404(c) veto on mining development in the subject area once the Assessment is finalized. We have real concerns about the manner in which EPA has approached the Assessment, including the reliability and objectivity of the process undertaken and its proposed findings. Accordingly, it is imperative that impacted tribes have ample opportunity prior to finalizing the Assessment to meaningfully consult with you and your staff about this matter. We strongly believe such consultation includes an opportunity to comment on the Assessment in its draft form and reiterate our request that the 60-day public comment period EPA has provided for our comments completely ignores the responsibilities we have to our families and communities in maintaining our traditional culture and way of life to undertake fishing, hunting and gathering activity during the short Alaska summer, which is why we have also requested an appropriate extension of the comment period.

The host of Native villages and corporations that have also weighed in with EPA on this issue strongly underscores the need for immediate meaningful consultation concerning EPA's Assessment. Accordingly, we seek an opportunity to meet with EPA staff right away to express our concerns about the lack of ample opportunity to comment on the Assessment and separately, the Assessment's impact on the future of Alaska Native communities.

Respectfully,



Mary Jane Nielsen, CEO, Alaska Peninsula Corporation



Raymond Wassillie, President, Newhalen Tribal Council



Donald Nielsen, President, South Naknek Village Council